



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF:

Martin Dugas, et al.

)

SERIAL NO.: 10/575,649

) EXAMINER: Unassigned

PCT FILING DATE: NOVEMBER 4, 2004

) ART UNIT: Unassigned

FOR: METHOD FOR DISTINGUISHING
WHO CLASSIFIED AML SUBTYPES

) Confirmation No. 3598

) DOCKET NO 22327-US

Certification of Mailing Under 37 CFR § 1.10

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that the following correspondences:

- Amendment
- Statement Under 37 C.F.R. § 1.821-1.825
- CFR of the Sequence Listing (2 CD-Roms).
- Copy of Action Mailed a January 31, 2007.
- Return receipt postcard

are being deposited with the United States Postal Service in an envelope on the date shown below with sufficient postage as first class mail in an envelope addressed to the, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Winsome St Rose

2-16-07

Date

Roche Molecular Systems, Inc.
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UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 20 2007

Page 1 of 3

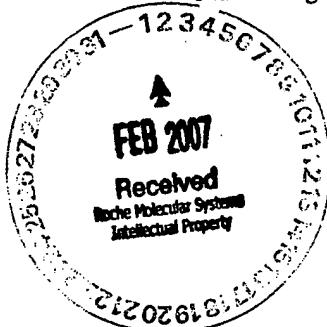
6P1645

22327-US FW

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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/575,649 | Martin Dugas | 22327US |

22829
ROCHE MOLECULAR SYSTEMS INC
PATENT LAW DEPARTMENT
1145 ATLANTIC AVENUE
ALAMEDA, CA 94501



| INTERNATIONAL APPLICATION NO. | |
|-------------------------------|---------------|
| PCT/EP04/12471 | |
| I.A. FILING DATE | PRIORITY DATE |
| 11/04/2004 | 11/04/2003 |

CONFIRMATION NO. 3598
371 FORMALITIES LETTER
[REDACTED]
OC000000022250920

Date Mailed: 01/31/2007

COPY

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 04/14/2006
- Copy of the International Search Report filed on 04/14/2006
- Preliminary Amendments filed on 04/14/2006
- Information Disclosure Statements filed on 09/18/2006
- Biochemical Sequence Diskette filed on 12/26/2006
- Oath or Declaration filed on 12/26/2006
- Small Entity Statement filed on 04/14/2006
- Request for Immediate Examination filed on 04/14/2006
- U.S. Basic National Fees filed on 04/14/2006
- Substitute Specification filed on 04/14/2006
- Priority Documents filed on 04/14/2006
- Specification filed on 04/14/2006
- Claims filed on 04/14/2006
- Abstracts filed on 04/14/2006

| | |
|-------------------------|--------------------|
| ROCHE MOLECULAR SYSTEMS | |
| File No. | 22327-US |
| Date/By | 2-5-07 |
| Attorney | MRN /Bure |
| Action | Defective Response |
| Due Date | |
| Final Date | 2-28-07 |

Applicant's response filed 12/26/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/27/2006 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where

applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/575,649 | PCT/EP04/12471 | 22327US |

FORM PCT/COV/0/910 (371 Formalities Notice)

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc.. Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

10/575649 SA

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

CD(s) containing:

computer program listing

Artifact Type Code: P

Doc Code: Computer

pages of specification

and/or sequence listing

and/or table

Doc Code: Artifact

Artifact Type Code: S

content unspecified or combined

Doc Code: Artifact

Artifact Type Code: U

Stapled Set(s) Color Documents or B/W Photographs

Doc Code: Artifact Artifact Type Code: C

Microfilm(s)

Doc Code: Artifact Artifact Type Code: F

Video tape(s)

Doc Code: Artifact Artifact Type Code: V

Model(s)

Doc Code: Artifact Artifact Type Code: M

Bound Document(s)

Doc Code: Artifact Artifact Type Code: B

Confidential Information Disclosure Statement or Other Documents
marked Proprietary, Trade Secrets, Subject to Protective Order,
Material Submitted under MPEP 724.02, etc.

Doc Code: Artifact Artifact Type Code X

Other, description:

Doc Code: Artifact Artifact Type Code: Z

CD Submission Review Results

| | | | |
|--------------------|------------|--------------|----------|
| Application Number | 10/575,649 | Receipt Date | 12/26/06 |
|--------------------|------------|--------------|----------|

| X | New Application | Response to Notice | Date of Response |
|---|-----------------|--------------------|------------------|
|---|-----------------|--------------------|------------------|

Jumbo – Large tables are included on the CD Page Count

There are no problems with the CDs in the submission.

Items checked below are to be selected in the PALM Pre-Exam CD problem list.

Omitted Items

- Files on compact disc are unreadable:
- Disc(s) of either set not readable:
- Disc(s) do not contain file names listed:
- Amended CD missing unamended files:
- Missing compact discs:

Missing Parts

- Disc(s) do not contain file names listed:
- Discs contains files that are non-ASCII files:
- Only one copy of the CD, no duplicate:
- Wrong media type, e.g., CD-RW:
- The transmittal letter and specification do not list information:
- Both disc(s) contain unreadable files:
- One disc(s) contain unreadable files:
- Compact disc(s) contain viruses, but are still readable:
- EFS/Paper Submission:
- Table does not maintain data in proper alignment:
- Not proper subject matter for CD's:

Informality – If no problem, do not send notice, leave letter for Examiner

- No statement in transmittal letter that CD's are the same:
- No incorporation by reference statement for the CD's:
- CD's not labeled "Copy 1" and "Copy 2":
- Deficient CD packaging:
- Deficient Labeling on CD's:
- The transmittal letter does not list information:
- The specification does not list information:
- Table less than 51 pages submitted on CD:

File Directory Attachment

- Copy of file directory listing is attached and should be mailed to applicant
- Copy of file directory listing is not attached
- Copy of file directory listing is not attached because it is over one page long